

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of</p> <p>THE COMMONWEALTH OF PUERTO RICO <i>et al.</i>, <u>Debtors.¹</u></p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 3283-LTS (Jointly Administered)</p>
<p>In re:</p> <p>THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO, as representative of</p> <p>PUERTO RICO ELECTRIC POWER AUTHORITY, <u>Debtor.</u></p>	<p>PROMESA Title III</p> <p>Case No. 17 BK 4780-LTS (This court filing relates only to Case No. 17 BK 4780-LTS)</p>

NOTICE OF PRESENTMENT OF STIPULATION AND PROPOSED AMENDED SCHEDULING ORDER FOR MOTION OF NATIONAL PUBLIC FINANCE GUARANTEE CORPORATION, ASSURED GUARANTY CORP., ASSURED GUARANTY MUNICIPAL CORP., AND SYNCORA GUARANTEE INC. FOR RELIEF FROM THE AUTOMATIC STAY TO ALLOW MOVANTS TO ENFORCE THEIR STATUTORY RIGHT TO HAVE A RECEIVER APPOINTED (ECF. NO 975)

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

PLEASE TAKE NOTICE that the hearing on the *Motion of National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief from the Automatic Stay to Allow Movants to Enforce Their Statutory Right to Have a Receiver Appointed* [ECF No. 975] (the “Motion”), filed on October 3, 2018, to be held before the Honorable Laura Taylor Swain, United States District Court Judge, at the United States District Court for the District of Puerto Rico, in Room 3, 150 Carlos Chardón Street, Federal Building, San Juan, Puerto Rico 00918-1767, is proposed to be rescheduled as set forth herein.

PLEASE TAKE FURTHER NOTICE that National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. (collectively, the “Movants”), and the Puerto Rico Electric Power Authority (“PREPA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “FOMB”) and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) as PREPA’s representatives pursuant to, respectively, section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)² and the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2107 (collectively, the “Respondents”) (together with Movants, the “Parties”) respectfully submit the following *Stipulation and Proposed Amended Scheduling Order For Motion of National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief from the Automatic Stay to Allow Movants to Enforce Their Statutory Right to Have a Receiver Appointed* (the “Stipulation”) requesting entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed

² PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

Order”), to amend the schedule for the hearing and all interim deadlines in connection with the Motion.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the rescheduling of the Hearing (“Objections”) shall be in writing, shall conform to the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the District of Puerto Rico, and the *Order Further Amending Case Management Procedures* (Case No. 17-03283-LTS; ECF No. 3804) (the “Case Management Order”), shall be filed with the Court (a) by attorneys practicing in the District Court, including attorneys admitted *pro hac vice*, electronically in accordance with Rule 5 of the Local Civil Rules for the District of Puerto Rico, and (b) by all other parties in interest, and shall be served on the undersigned counsel.

PLEASE TAKE FURTHER NOTICE that the Parties respectfully request that the Court expedite the Objection Deadline, pursuant to the Case Management Order, to **4:00 p.m.** (Atlantic Standard Time) on **February 5, 2019** in order to bring clarity to multiple discovery and briefing deadlines in connection with the Motion.

PLEASE TAKE FURTHER NOTICE that if an Objection is not received by 4:00 p.m. (Atlantic Standard Time) on **February 5, 2019** the relief requested shall be deemed unopposed, and the District Court may enter an order granting the relief sought without a hearing pursuant to the Case Management Order.

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Dated: New York, New York

February 4, 2019

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

PROMESA Title III

Case No. 17 BK 4780-LTS

(This court filing relates only to
Case No. 17 BK 4780-LTS)

**STIPULATION AND PROPOSED AMENDED SCHEDULING ORDER FOR
MOTION OF NATIONAL PUBLIC FINANCE GUARANTEE CORPORATION,
ASSURED GUARANTY CORP., ASSURED GUARANTY MUNICIPAL CORP., AND
SYNCORA GUARANTEE INC. FOR RELIEF FROM THE AUTOMATIC STAY TO
ALLOW MOVANTS TO ENFORCE THEIR
STATUTORY RIGHT TO HAVE A RECEIVER APPOINTED (ECF No. 975)**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

To the Honorable United States District Judge Laura Taylor Swain:

National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. (collectively, the “Movants”), and the Puerto Rico Electric Power Authority (“PREPA”), by and through the Financial Oversight and Management Board for Puerto Rico (the “FOMB”) and the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) as PREPA’s representatives pursuant to, respectively, section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”)² and the *Enabling Act of the Fiscal Agency and Financial Advisory Authority*, Act 2-2107 (collectively, the “Respondents”) (together with Movants, the “Parties”) respectfully submit the following *Stipulation and Proposed Amended Scheduling Order For Motion of National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief from the Automatic Stay to Allow Movants to Enforce Their Statutory Right to Have a Receiver Appointed* (ECF No. 975) (the “Stipulation”) requesting entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), to amend the schedule for the hearing and all interim deadlines in connection with the *Motion of National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief from the Automatic Stay to Allow Movants to Enforce Their Statutory Right to Have a Receiver Appointed* [ECF No. 975] (the “Motion”).

WHEREAS, on January 29, 2019, the Court entered the *Order Vacating Deadlines Set Forth in the Court’s Order Entered on December 21, 2018* (ECF NO. 1050) [ECF No. 1061],

² PROMESA has been codified in 48 U.S.C. §§ 2101–2241.

vacating the hearing date and interim deadlines scheduled in connection with the Motion and requiring the Parties to file proposed revised schedule(s) for the Court's consideration, either through stipulation or separate proposals, on or before January 31, 2019.

WHEREAS, during a subsequent telephonic conference on January 31, 2019, the Parties notified the Court of a mutually agreeable hearing date, and the Court requested the Parties file a stipulation and proposed order by February 4, 2019.

NOW THEREFORE, the Parties have agreed to amend the deadlines as set forth in the Proposed Order in order to give all Parties adequate time to prepare their briefing, conduct certain discovery, and attend the hearing in connection with the Motion:

1. January 31, 2019: Parties to substantially complete document production;
2. February 1, 2019: Parties to exchange privilege logs;
3. February 5, 2019: Deadline for Parties to meet and confer regarding known discovery issues;
4. February 7, 2019: Parties to file motions to compel regarding known discovery issues;
5. February 14, 2019: Deadline to file oppositions to motions to compel;
6. February 22, 2019: Deadline to file replies in support of motions to compel;
7. Week of February 25, 2019: Hearing on any motions to compel, subject to the availability of the court;
8. Within one week after a ruling on the motions to compel: Deadline to produce any required additional discovery in response to orders on the motions to compel;
9. February 25, 2019: Movants to file additional expert declarations and produce expert discovery;
10. March 29, 2019: Respondents to file opposition brief and supporting declarations

and produce expert discovery;³

11. April 19, 2019: Movants to file reply brief and supporting declarations;
12. April 26, 2019: Parties to exchange final will/may call witness lists (identifying whether witnesses will appear live or via designated deposition testimony);
13. May 1, 2019: Parties to file exhibit lists;
14. May 1, 2019: Parties to designate deposition testimony; and
15. May 6, 2019: Parties to cross-designate deposition testimony.
16. The Court will hold a hearing on the Motion on **May 8, 2019, at 9:30 a.m.** (Atlantic Standard Time), and continue if necessary on May 9, 2019, in San Juan, Puerto Rico.

³ All Parties reserve the right, if any, to submit rebuttal affidavits if the conditions under Rule 26 are satisfied.

Dated: New York, New York
February 4, 2019

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Exhibit A

Proposed Order

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO *et al.*,

Debtors.¹

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA Title III

Case No. 17 BK 3283-LTS

(Jointly Administered)

PROMESA Title III

Case No. 17 BK 4780-LTS

(This court filing relates only to
Case No. 17 BK 4780-LTS)

**ORDER AMENDING SCHEDULE FOR MOTION OF NATIONAL PUBLIC FINANCE
GUARANTEE CORPORATION, ASSURED GUARANTY CORP., ASSURED
GUARANTY MUNICIPAL CORP., AND SYNCORA GUARANTEE INC. FOR RELIEF
FROM THE AUTOMATIC STAY TO ALLOW MOVANTS TO ENFORCE THEIR
STATUTORY RIGHT TO HAVE A RECEIVER APPOINTED (ECF NO. 975)**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

Upon considering the *Stipulation and Proposed Amended Scheduling Order for Motion of National Public Finance Guarantee Corporation, Assured Guaranty Corp., Assured Guaranty Municipal Corp., and Syncora Guarantee Inc. for Relief from the Automatic Stay to Allow Movants to Enforce Their Statutory Right to Have a Receiver Appointed* (ECF No. 975) (the “Stipulation”); and the Court having found it has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a); and it appearing that venue is proper pursuant to PROMESA section 307(a); and the Court having found good cause to grant the relief requested therein and in the Stipulation it is **HEREBY ORDERED THAT:**

1. The Revised Scheduling Order [ECF. No. 1019] is amended to revise existing deadlines as follows:

- a. January 31, 2019: Parties to substantially complete document production;
- b. February 1, 2019: Parties to exchange privilege logs;
- c. February 5, 2019: Deadline for Parties to meet and confer regarding known discovery issues;
- d. February 7, 2019: Parties to file motions to compel regarding known discovery issues;
- e. February 14, 2019: Deadline to file oppositions to motions to compel;
- f. February 22, 2019: Deadline to file replies in support of motions to compel;
- g. Week of February 25, 2019: Hearing on any motions to compel, subject to the availability of the court;
- h. Within one week after a ruling on the motions to compel: Deadline to produce any required additional discovery in response to orders on the motions to compel;
- i. February 25, 2019: Movants to file additional expert declarations and produce expert discovery;

- j. March 29, 2019: Respondents to file opposition brief and supporting declarations and produce expert discovery;²
 - k. April 19, 2019: Movants to file reply brief and supporting declarations;
 - l. April 26, 2019: Parties to exchange final will/may call witness lists (identifying whether witnesses will appear live or via designated deposition testimony);
 - m. May 1, 2019: Parties to file exhibit lists;
 - n. May 1, 2019: Parties to designate deposition testimony; and
 - o. May 6, 2019: Parties to cross-designate deposition testimony.
- p. The Court will hold a hearing on the Motion on **May 8, 2019, at 9:30 a.m.** (Atlantic Standard Time), and continue if necessary on May 9, 2019, in San Juan, Puerto Rico.

SO ORDERED.

Dated: _____, 2019
San Juan, Puerto Rico

HONORABLE LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² All Parties reserve the right, if any, to submit rebuttal affidavits if the conditions under Rule 26 are satisfied.